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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/587,588

05/16/2007

Shaun Lawrence Herlihy

58653-2082

2425

96610 7590 12/27/2010
Kramer Levin Naftalis & Frankel LLP
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EXAMINER

WARD, PAUL V

ART UNIT

PAPER NUMBER

1624

NOTIFICATION DATE

DELIVERY MODE

12/27/2010

ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

klpatent@kramerlevin.com

DETAILED ACTION

Applicant's election in the response filed on October 14, 2010 is acknowledged and has been entered. However, the timely submission under 37 CFR 1.129(a) filed is not fully responsive to the prior Office actions because Applicant failed to include an election of the invention to be examined as outlined on page 2 (4th full paragraph) of the Office Action mailed June 16, 2010.

Applicant is advised that in order for the reply to this requirement to be complete, Applicant must: include an election of the invention (e.g., species) to be examined even though the requirement is traversed. (See 37 CFR 1.143). Here, Applicant elected several compounds. Again, Examiner directs Applicant to page 2 (4th full paragraph) of the Office Action mailed August 26, 2010, which clearly states "that the reply to this requirement to be **complete must include (i) an election of species to be examined**" (emphasis added). Thus, in order for the reply to this requirement to be complete, Applicant must include an election of the invention (e.g., species) to be examined. For example, Applicant should choose one of the examples (that falls within the claimed invention) in the Specification

Since the submission appears to be a *bona fide* attempt to provide a complete reply to the prior Office action, applicant is given a shortened statutory period of ONE MONTH or THIRTY DAYS from the mailing date of this letter, whichever is longer, to submit a complete reply. This shortened statutory period supersedes the time period set in the prior Office action. This time period may be extended pursuant to 37 CFR 1.136(a). If a notice of appeal and the fee set forth in 37 CFR 1.17(e) were filed

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prior to or with the payment of the fee set forth in 37 CFR 1.17(r), the payment of the fee set forth in 37 CFR 1.17(r) by applicant is construed as a request to dismiss the appeal and to continue prosecution under 37 CFR 1.129(a). The appeal stands dismissed.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to PAUL V. WARD whose telephone number is 571-272-2909. The examiner can normally be reached on M-F 8 am to 4 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James O. Wilson can be reached on 571-272-0661. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/PAUL V WARD/

Examiner, Art Unit 1624